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NOVARTIS PHARMACEUTICALS CORPORATION,
NOVARTIS CORPORATION and McKESSON
CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THERESA WALDON,

Plaintiff,

vs.

NOVARTIS PHARMACEUTICALS
CORPORATION, a Delaware corporation;
NOVARTIS CORPORATION, a
New York corporation; McKESSON
CORPORATION, a Delaware corporation,

Defendants.

Case No. C 07 1988 MJJ

**STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING McKESSON
CORPORATION FROM THE CASE AND
TRANSFERRING THE CASE TO THE
SOUTHERN DISTRICT OF GEORGIA**

Dept: Courtroom 11, 19th Floor
Judge: Hon. Martin J. Jenkins

1 WHEREAS, on March 28, 2007, plaintiff Theresa Waldon ("Plaintiff") filed her
2 Complaint for Damages in the Superior Court of the State of California in and for the County of
3 San Francisco; and

4 WHEREAS on April 9, 2007, defendants Novartis Pharmaceuticals Corporation and
5 Novartis Corporation filed a Notice of Removal and related documents in this Court; and

6 WHEREAS, on May 4, 2007, Plaintiff filed a Motion to Remand the case to state court;
7 and

8 WHEREAS, defendant McKesson Corporation ("McKesson") was served with the
9 Complaint; and

10 WHEREAS, by stipulation pursuant to Local Rules ("L.R.") 6-1 and 7-12, McKesson was
11 given 10 court days following this Court's order on Plaintiff's Motion to Remand the case to state
12 court to respond to the Complaint; and

13 WHEREAS, on June 18, 2007, this Court issued an order, denying Plaintiff's Motion to
14 Remand; and

15 WHEREAS, on June 28, 2007, in accordance with this Court's April 9, 2007 Order, the
16 parties met and conferred regarding the Rule 26(f) requirements and the possibility of alternative
17 dispute resolution; and

18 WHEREAS, on July 2, 2007, the parties discussed the possibility of a joint motion to
19 transfer the litigation to federal district court in Georgia, where Plaintiff resides; and

20 WHEREAS, on July 2, 2007, the parties stipulated and prepared a [proposed] order to
21 extend by 30 days all existing obligations, including the date for McKesson's response to the
22 Complaint and the dates set forth in this Court's April 9, 2007 Order, so as to facilitate the
23 resolution of the venue for this litigation; and

24 WHEREAS, on July 9, 2007, the Court issued an order granting such an extension; and

25 WHEREAS, on July 30, 2007, in accordance with this Court's July 9, 2007 Order, the
26 parties met and conferred regarding the Rule 26(f) requirements and the possibility of alternative
27 dispute resolution, and further discussed a transfer of the litigation to federal district court in
28 Georgia as well as the status of the litigation and the possibility of a resolution without further

Stipulation And [Proposed] Order Dismissing
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1 court involvement; and

2 WHEREAS, on July 31, 2007, the parties stipulated and prepared a [proposed] order to
3 extend by 30 days all existing obligations, including the date for McKesson's response to the
4 Complaint and the dates set forth in this Court's July 9, 2007 Order, so as to facilitate the
5 resolution of the venue for this litigation; and

6 WHEREAS, on August 3, 2007, the Court issued an order granting such an extension; and

7 WHEREAS, the parties continued to have discussions on the possibility of a transfer and
8 of a voluntary dismissal of McKesson, but had yet to reach agreement; and

9 WHEREAS, on August 31, 2007, as provided in the Court's August 3, 2007 Order,
10 McKesson filed a motion to dismiss or in the alternative for summary judgment; and

11 WHEREAS the hearing date for McKesson's motion to dismiss or in the alternative for
12 summary judgment was set for October 16, 2007; and

13 WHEREAS, on September 4, 2007, as provided in the Court's August 9, 2007 Order, the
14 parties filed their joint ADR certification; and

15 WHEREAS, on September 13, 2007, defendants Novartis Pharmaceuticals Corporation,
16 Novartis Corporation, and McKesson filed a motion pursuant to 28 U.S.C. § 1404(a) to transfer
17 the case to the Southern District of Georgia; and

18 WHEREAS, the hearing date of defendants' motion to transfer the case was set for
19 October 23, 2007; and

20 WHEREAS, on September 13, 2007, the parties stipulated and prepared a [proposed]
21 order to extend the time of remaining case management dates on the Court's August 3, 2007
22 Order until such time as the Court had ruled on the motion to transfer; and

23 WHEREAS, on September 20, 2007, the Court issued an order granting such an
24 extension; and

25 WHEREAS, on October 3, 2007, Plaintiff agreed to dismiss McKesson from this action
26 and to transfer this case to the Southern District of Georgia. THEREFORE, pursuant to L.R. 7-12
27 and subject to the approval of the Court, the parties hereby stipulate and agree to the dismissal of
28 McKesson from this action with prejudice and to the transfer of this case to the Southern District

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1 of Georgia, where Plaintiff resides and where all of the medical treatment at issue in this litigation
2 occurred. The parties also stipulate and agree to the Court vacating the hearings set for
3 McKesson's motion to dismiss or in the alternative for summary judgment on October 16, 2007,
4 and the defendants' motion to transfer venue on October 23, 2007.

5 SO STIPULATED:

6 Dated: October 4, 2007 SPRIGGS & HOLLINGSWORTH

7 By: /S/
8 Eric G. Lasker

9 Attorneys for Defendants
10 NOVARTIS PHARMACEUTICALS
11 CORPORATION, NOVARTIS
12 CORPORATION, and McKESSON
13 CORPORATION

14 Dated: October 4, 2007 PHILLIPS & ASSOCIATES

15 By: /S/
16 Lowell Finson

17 Attorneys for Plaintiff
18 THERESA WALDON
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1 Upon stipulation of the parties and good cause shown, IT IS HEREBY ORDERED that
2 McKesson Corporation is dismissed from this action with prejudice, and the case will be
3 transferred to the Southern District of Georgia, where Plaintiff resides and where all of the
4 medical treatment at issue in this litigation occurred. Accordingly, the hearing~~1~~ set for ~~McKesson~~
5 ~~Corporation's motion to dismiss or in the alternative for summary judgment on October 16, 2007,~~
6 ~~and~~ the motion to transfer venue on October 23, 2007, are hereby vacated.

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8
9 DATED: 10/16/07



1 I, Monali S. Sheth, hereby attest that I have obtained consent for, and will maintain on
2 file, all holograph signatures for any signatures indicated by a “conformed” signature (“/S/”)
3 within this e-filed document.

4 Dated: October 4, 2007

FARELLA BRAUN & MARTEL

6 By: /S/
7 Monali S. Sheth

8 Attorneys for Defendants
9 NOVARTIS PHARMACEUTICALS
10 CORPORATION, NOVARTIS
11 CORPORATION, and McKESSON
12 CORPORATION
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